

Regulation of Child Care and Early Learning Programs

January 24, 2006

HB 1152 Requirement

- ❖ The Council shall make recommendations... concerning the regulation of child care, including child care that is exempt from regulation and unlicensed child care that is subject to regulation, in order to ensure the safety, health, quality and accessibility of child care services throughout the state.

Challenge to the Council

- ❖ In the new early learning paradigm we're contemplating—to what extent does our current approach to the regulation of early learning programs support the outcomes we're hoping for children and families?

Regulations and Standards are Inconsistent across Early Learning Programs

- ❖ States and tribes establish and enforce their own child care regulations. (There are no federal child care standards—but CCDF requires them as a condition of funding.)
- ❖ Head Start programs meet federal performance standards—and are exempt from licensing unless operate 4 hours or more
- ❖ ECEAP programs meet state performance standards—and are exempt from licensing unless they operate 4 hours or more
- ❖ Schools are exempt from licensing but may choose to be certified by the state

History of Child Care Regulation

- ❖ Child care roots in the US—day nurseries for at-risk families
- ❖ As the child care market developed in response to parental demand, states extended the regulatory approach used for foster care and orphanages to child care.
- ❖ According to one national expert, child care licensing was simply “jammed into the existing mold of twenty-four-hour child care without regard to its operational fit or appropriateness” Class (1993).

History of Child Care Licensing (continued)

- ❖ Standards for Day Nurseries in Washington (1949) required case work services to be available in every nursery and strongly discouraged services to infants and toddlers.
- ❖ And, in a national publication, Beer wrote, the day nursery is a social agency because of its connection with a social problem, the employment of the mother and noted the “plight of children left without a mother all day” (1957).

History of Child Care Licensing (continued)

- ❖ In Washington State, family child care licensing was enacted in the late 1960s after several children died in an unlicensed family child care home in Seattle—and it was referred to as “part-day foster care” in the statute

Premises behind Regulation

- ❖ Regulation offers an alternative to government operation and leaving services to the private market (Morgan)
- ❖ Regulatory policy enables government to protect the public and set the floor below which programs may not operate (Morgan)

What is the Basis for Child Care Licensing?

- ❖ Reflect community standards of what is a minimally acceptable level of care
- ❖ Standards evolve over time, but work best when they are supported by the providers that must meet them
- ❖ Legally—it is the facility that is licensed

What Does Research Say?

- ❖ Research shows that more stringent child-staff ratios and provider training create the conditions for more sensitive and responsive teaching—which in turn result in better outcomes for children.
- ❖ On the other hand, provider and parent decisions are affected by government regulation, e.g., more stringent child-staff ratio regulations reduce the availability of programs/spaces and increase prices to parents reducing parental employment and child care use.

How Does Washington Compare to Other States?




Slides 13-21

National Child Care Information Center

LeMoine & Collins, 2004





Most Common Center Ratios and Group Size: Infants and Toddlers

(National Child Care Information Center)

	9-month-olds		27-month-olds	
	Ratio	Group Size	Ratio	Group Size
Then: 1986	 23 States	Not Regulated 26 States	 15 States	Not Regulated 28 States
Now: 2004	 33 States	8 19 States	6=1 8=1 10=1 9 States each	Not Regulated 13 States

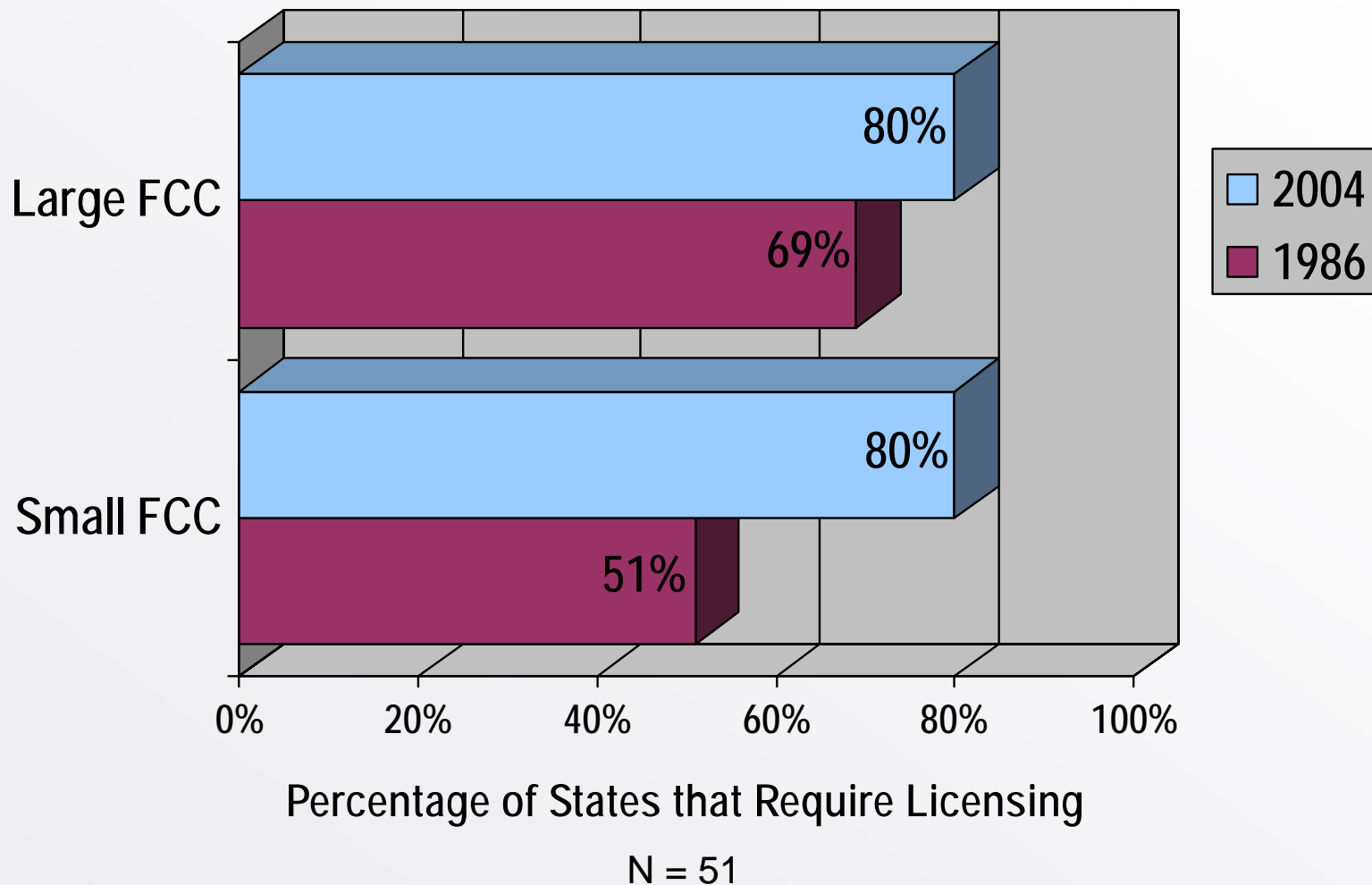
Most Common Center Ratios and Group Size Preschoolers

(National Child Care Information Center)

	3-year-olds		4-year-olds	
	Ratio	Group Size	Ratio	Group Size
Then: 1986	 10:1 25 States	Not Regulated 30 States	 10:1 17 States	Not Regulated 31 States
Now: 2004	 10:1 22 States	20 16 States	 10:1 17 States	20 17 States

Licensing Family Child Care Homes (FCC)

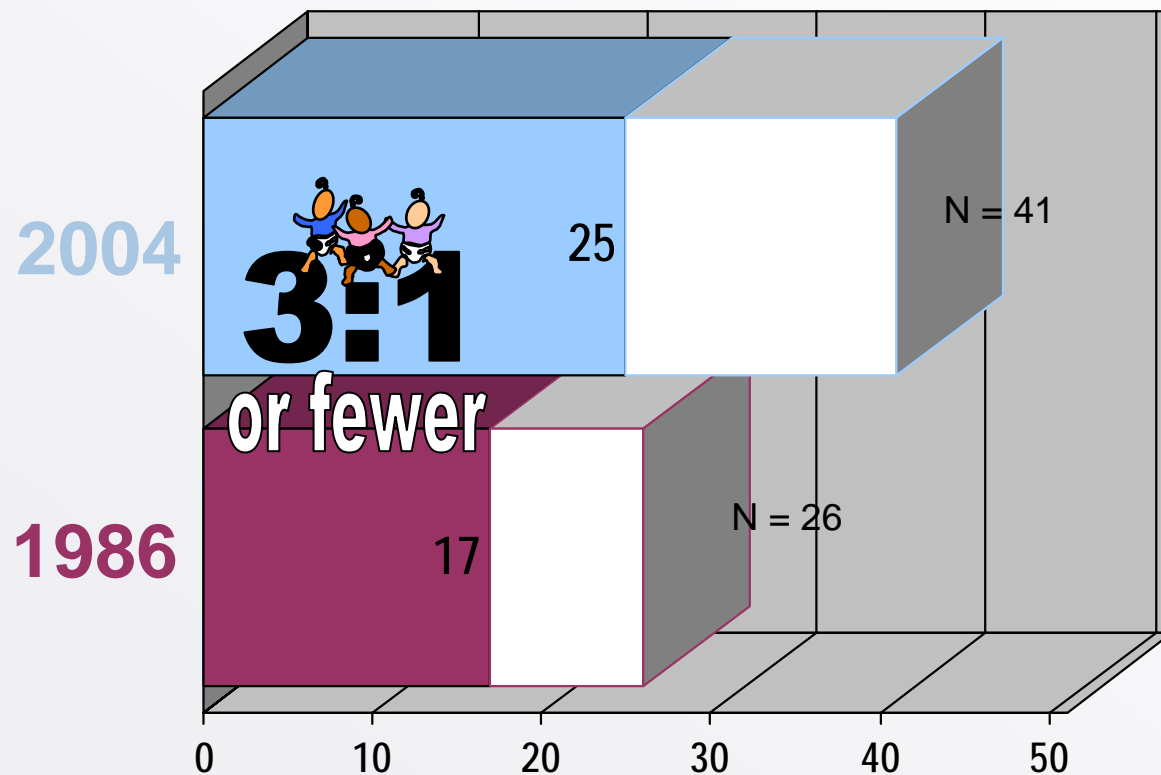
(National Child Care Information Center)



Allowed in Small FCC

(National Child Care Information Center)

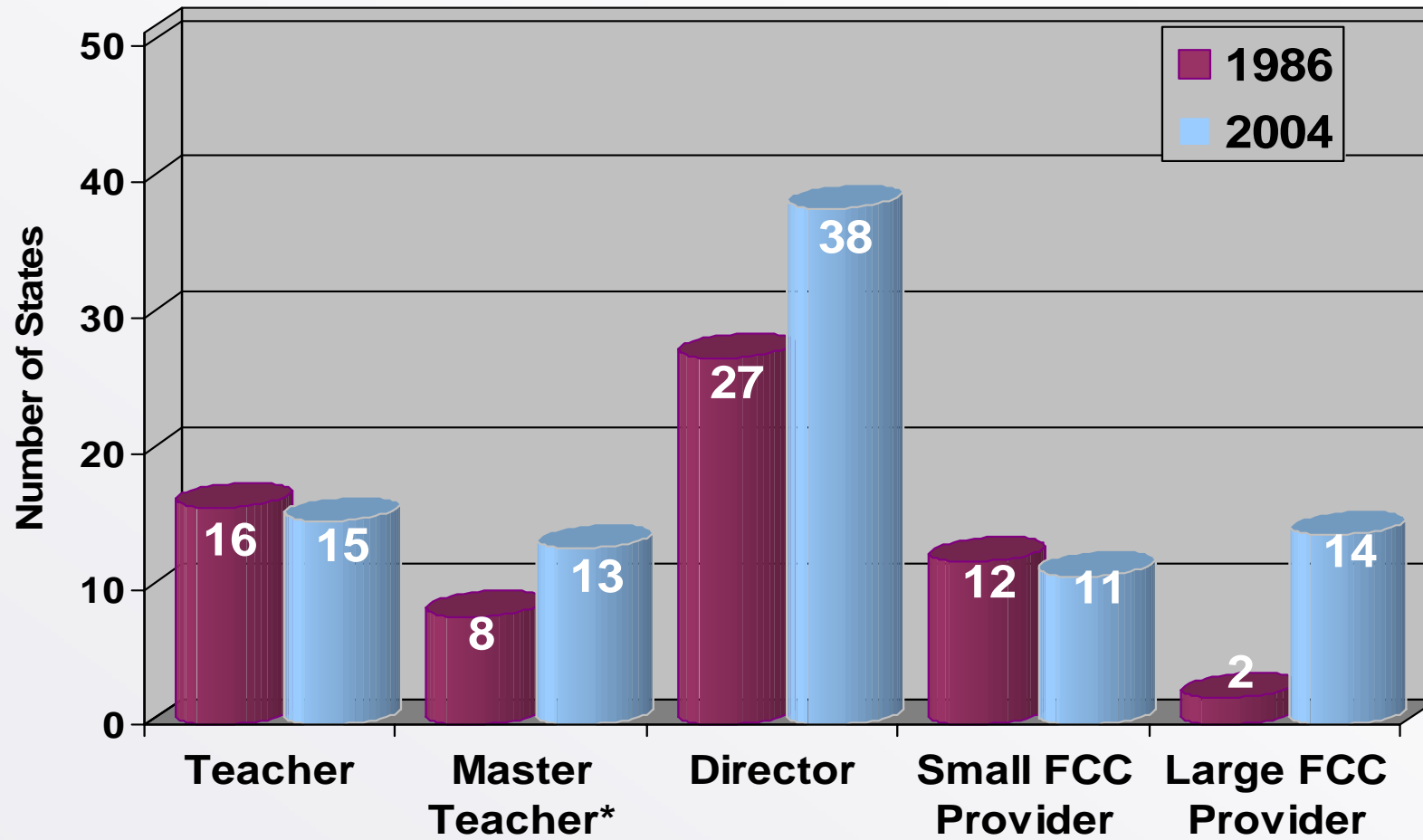
Of the States that require small FCC to be licensed, how many require 3 or fewer children under 2-years?



Number of States

States Requiring ECE Preservice Qualifications

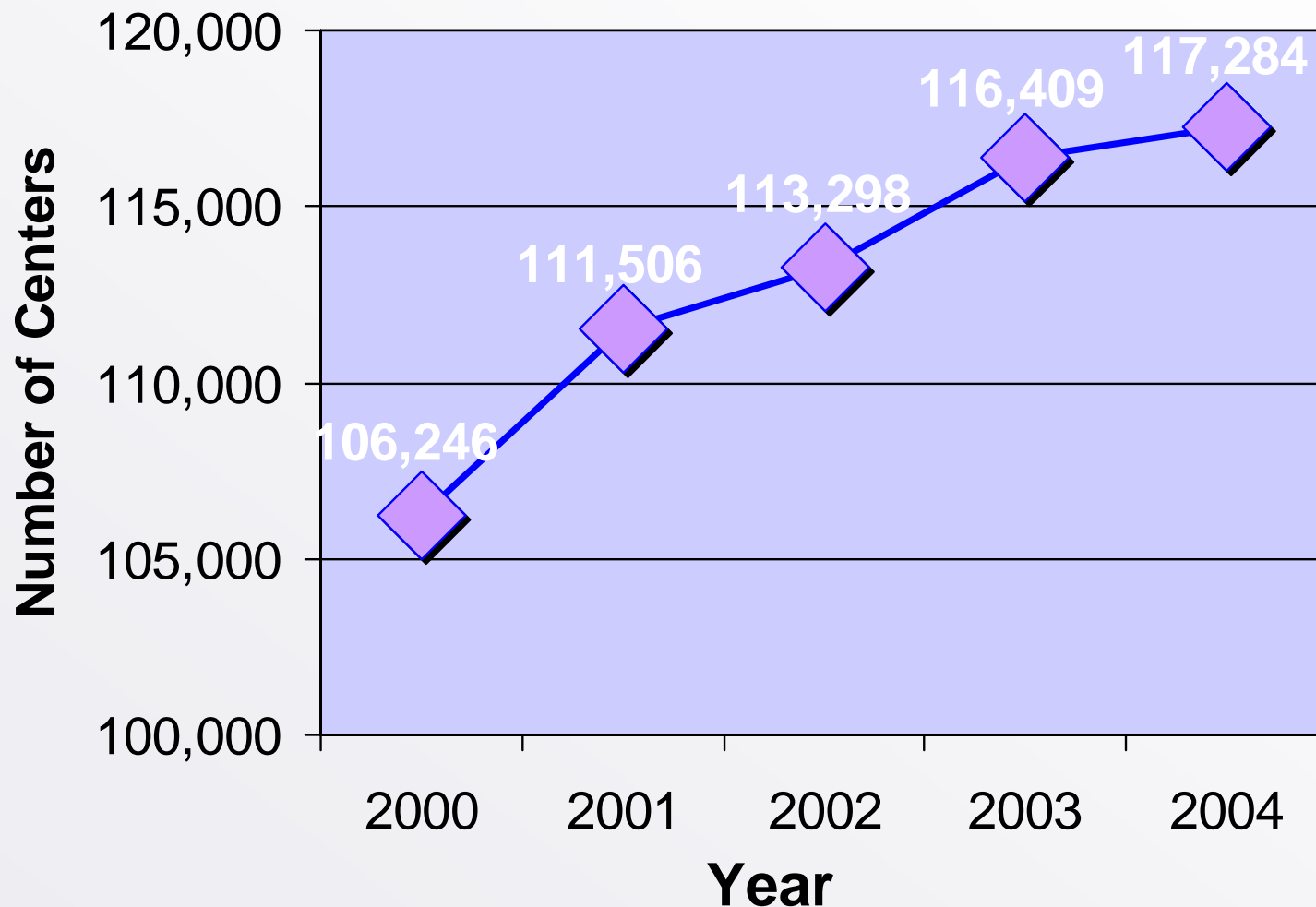
(National Child Care Information Center)



*Master Teacher: In 2004, 17 States require at least one teacher in a program or classroom to be qualified at a higher level. This role has been generically labeled "master teacher" to reflect that this person is required to have more training, experience, and/or skills than other teachers. Ten States' regulations detailed the *master teacher* position in 1986.

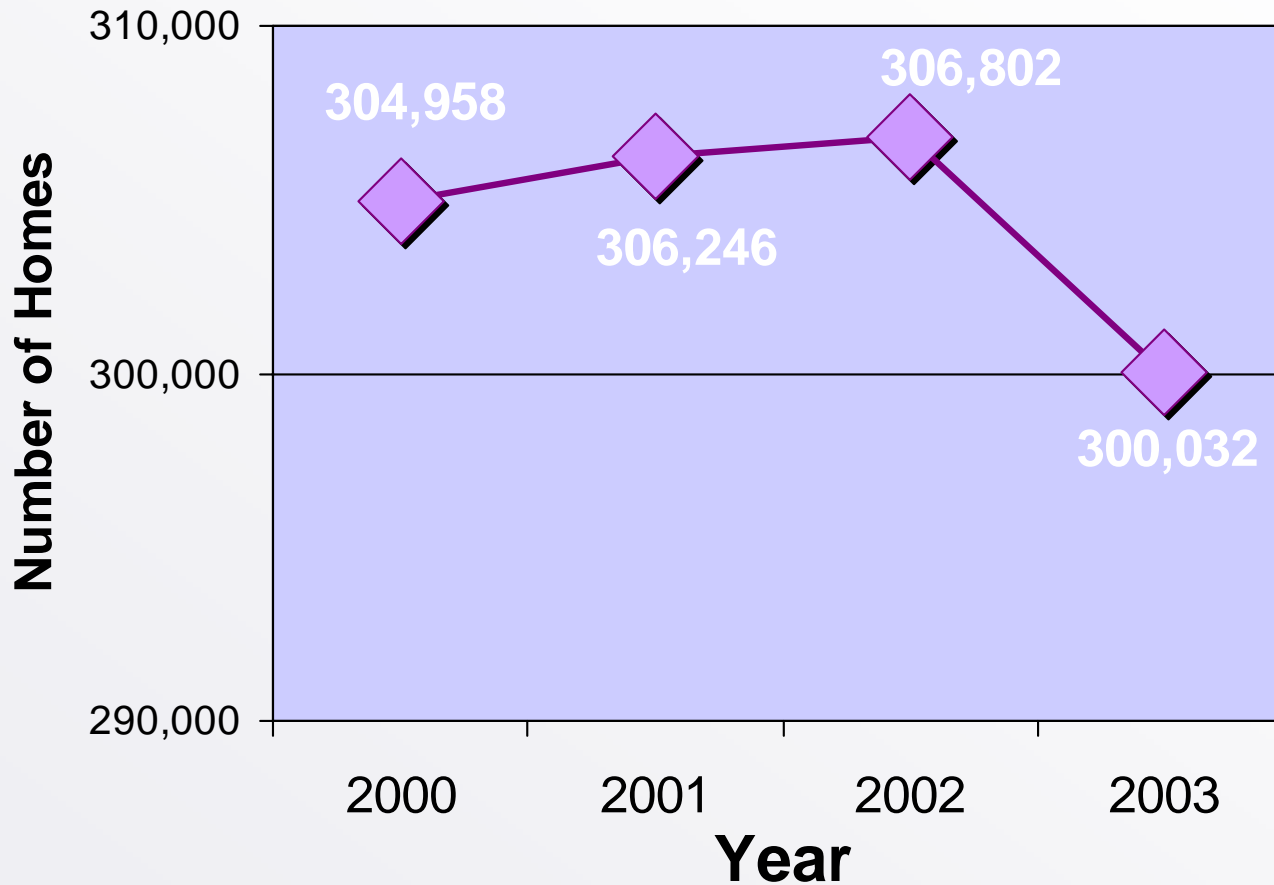
Number of Child Care Centers

(National Child Care Information Center)



Number of Family Child Care Homes

(National Child Care Information Center)



Tiered Strategies: Differential Licensing

(National Child Care Information Center)

- 34 States have tiered strategies implemented for centers
- 32 States have tiered strategies implemented for family child care homes

National Trends-Automation

With the assistance of new technologies, States are:

- Obtaining or upgrading automation systems to track data
 - Capacity to post data to the Web
 - Tie-in with subsidies
- Building or strengthening links with professional development systems
 - Early childhood personnel registries
 - Standards and competency alignment
 - Tiered Systems

National Child Care Information Center

Child Care Licensing

Division of Child Care and Early
Learning (DCCEL)

Purpose of Licensing-DCCEL

- Develop regulations with stakeholders
- License based upon regulations
- Monitor for compliance with regulations
- Provide technical assistance to help with compliance
- Complaint investigation

DCCEL-Current Focus

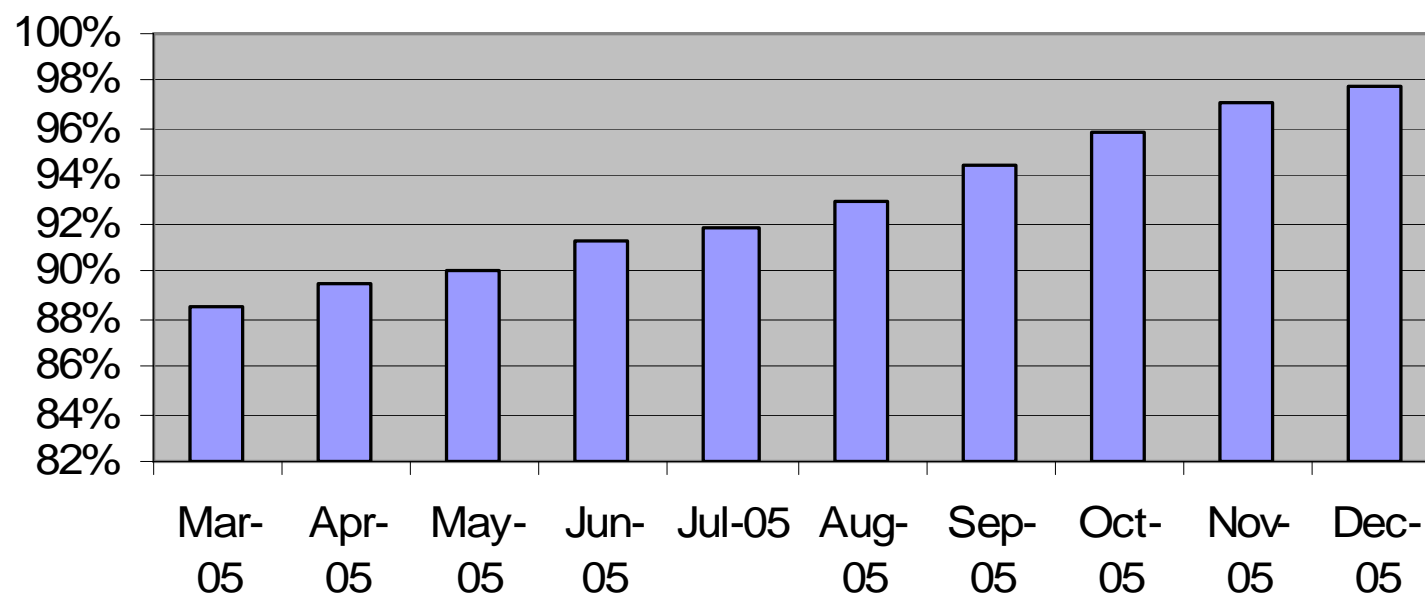
Clearly written, enforceable regulations

Balancing act

Consistency of licensors

Quality thru licensing activities

Percent of Facilities Up-to-Date in Monitoring Visits



DCCEL-Issues Under Consideration

- ❖ Colbert and Koch reports
- ❖ Alignment of Licensing Regulations to QRIS
- ❖ Other ways to communicate compliance

Questions for the Early Learning Council

- ❖ What process should we use to identify issues and formulate recommendations? Focus groups? Another TAC? Small group work during ELC meetings?
- ❖ Are there other models we should examine, e.g., individual licensing (such as for real estate agents, beauticians, etc.) or professional certification?
- ❖ Interest has been expressed in extending regulation to part-day preschools. Are there strategies for doing so that would avoid duplicative and contradictory requirements?
- ❖ How do we ensure connections between the regulation and QRIS work and efforts to support family, friend and neighbor caregivers?